

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DUANE C. BERRY, et al.,

Plaintiffs,

vs.

Civ. No. 96-328 BB/WWD


CITY OF SOCORRO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff Duane C. Berry's Motion to Compel [Docket #133] filed November 18, 1997. Movant seeks an Order directing Defendant Maldonado to answer Interrogatories (First Set) 2, 4, 5, 6, 7, 8, and 9 and to produce documents sought in Requests for Production (First Set) 6, 16, and 18. Interrogatories 2, 4, and 5 deal with Defendant Maldonado's medical assessments and diagnoses of "potentially suicidal" patients. Objection to these interrogatories is made on the basis of physician-patient privilege. Interrogatories 6, 7, 8, and 9 deal with compensation received by Defendant Maldonado. Defendant Maldonado objects to these questions as being premature. Plaintiff responds that Defendant Maldonado seeks too broad an application of the privilege, and that the financial information is necessary to determine whether Maldonado is an employee of Socorro General Hospital or an independent contractor. After considering the circumstances as well as the applicable law, I find that Defendant Maldonado should answer fully and completely interrogatories 2, 5, 6, 7, 8, and 9. Further, Defendant Maldonado should produce to the undersigned for an *in camera* inspection all documents responsive to request for production 18. The discovery responses should be served on Plaintiff or delivered to the undersigned on or before December 10, 1997.

IT IS SO ORDERED.


United States Magistrate Judge